

UNITED STATES EASTERN DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES HADDAD,

Plaintiff,

vs.

Case No. 04-CV74932
Hon. Anna Diggs Taylor
Magistrate Judge Donald A. Scheer

INDIANA PACERS, an assumed name, a/k/a
PACERS BASKETBALL CORPORATION,
an Indiana Corporation, JERMAINE O'NEAL,
and ANTHONY JOHNSON,
Jointly and Severally,

Defendants.

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**DEFENDANT JERMAINE O'NEAL'S OBJECTIONS
TO PROPOSED SCHEDULING ORDER**

Defendant Jermaine O'Neal ("Defendant O'Neal"), by and through his attorneys, Dickinson Wright PLLC and Munger, Tolles & Olson LLP, objects to this Court's October 24, 2005 Proposed Scheduling Order. In support of his Objections, Defendant O'Neal states as follows:

Defendant O'Neal objects to the proposed March 7, 2005 discovery cut-off date in light of the extensive discovery to be conducted in this case. First, there are numerous potential witnesses who will likely be deposed or interviewed. The potential witnesses include the players, coaches and staff of the Detroit Pistons and Indiana Pacers, employees of the Palace of Auburn Hills, police officers and other security personnel on hand during the incident, and various persons in the crowd. The other parties in this case have similarly recognized the potential for multiple depositions and witness interviews. For example, Defendant Indiana Pacers listed 174 witnesses in its Rule 26(1)(a) initial witness disclosures.

In addition to the multiple depositions and witness interviews, there are hours of video tape capturing the incident from different angles and viewpoints which require review. The parties will also engage in considerable document review, including the 1000 page police report prepared by the Auburn Hills Police Department, various incident reports prepared by fans and Palace employees, and the documents supporting Plaintiff's damages.

Plaintiff's alleged damages will undoubtedly be a point of significant contention. Plaintiff's counsel has indicated that Plaintiff's damages computation will not be produced for at least 60 days. This late production will delay the scheduling of depositions of Plaintiff, his treating physicians and any experts.

In light of these considerations, completion of discovery by the proposed March 7, 2005 cut-off date will be difficult. Moreover, because the 2005-2006 NBA basketball season is currently on-going, many of the parties and key witnesses will have scheduling conflicts, and the upcoming holidays will likely delay matters even further. As such, Defendant O'Neal requests this Court to extend discovery for 90 additional days and reschedule discovery cut-off for June 7, 2005.

Due to the foregoing objection, Defendant O'Neal generally objects to the remaining dates on the Proposed Scheduling Order and respectfully requests that such dates also be extended by 90 days to correspond to the discovery extension.

Respectfully Submitted,

DICKINSON WRIGHT PLLC

By: /s Richard M. Apkarian Jr.
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Dated: November 3, 2005

PROOF OF SERVICE

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

Richard M. Apkarian Jr., being first duly sworn, deposes and says that on the 3rd day of November, 2005, he caused to be served a copy of Defendant Jermaine O'Neal's Objection to Proposed Scheduling Order, and this Proof of Service via electronically filing on Jason J. Thompson, Steven M. Potter, and Hideaki Sano.

/s/ Richard M. Apkarian

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